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7 KEYHAN MOHANNA,
8 Plaintiff,
9 v.
10 WILMINGTON SAVINGS FUND
11 SOCIETY, FSB,
12 Defendant.

Case No. [21-cv-03605-DMR](#)

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28 **ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

The court previously dismissed Plaintiff's wrongful foreclosure lawsuit for failure to prosecute after Plaintiff did not file an opposition or statement of non-opposition to Defendant's motion to dismiss. [Docket No. 23.] After Plaintiff moved for reconsideration, the court reopened the case on the basis of excusable neglect, *see* Fed. R. Civ. P. 60(b)(1), and directed Defendant to re-file its motion. [Docket No. 26]. However, the court warned Plaintiff that in light of his long history of failing to adhere to filing deadlines to prosecute his cases, including before this court,¹ he must file and serve his opposition brief within fourteen days after Defendant re-files its motion. Plaintiff was further warned that his failure to file a timely opposition could result in dismissal.

Id.

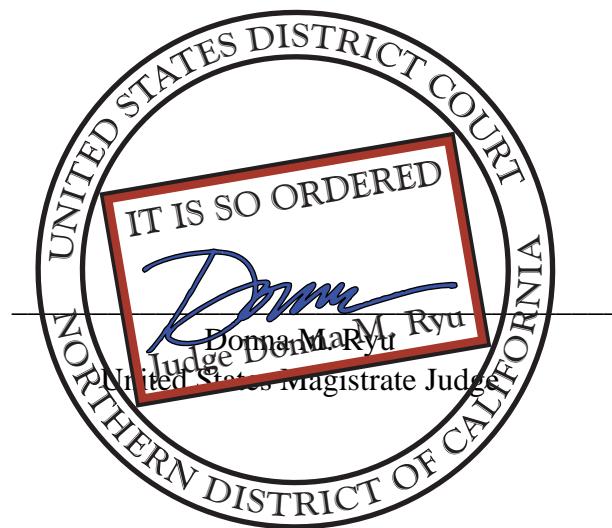
Defendant duly re-filed its motion to dismiss and certified that it served Plaintiff with it by mail on March 1, 2022. [Docket Nos. 27, 29.] Under Civil Local Rule 7-3(a), Plaintiff had until

¹ *See, e.g., Mohanna v. Wells Fargo Bank, N.A.*, No. 21-cv-3797-DMR, 2021 WL 4079210, at *5 (N.D. Cal. Sept. 8, 2021), *appeal dismissed*, No. No. 21-16673 (9th Cir. Jan. 13, 2022) (ECF No. 4); *Mohanna v. Carrington Mortg. Servs. LLC*, No. 18-cv-2563-WHO, 2018 WL 5778354, at *4 (N.D. Cal. Nov. 1, 2018), *appeal dismissed*, No. 18-17288, 2019 WL 6449209 (9th Cir. Nov. 7, 2019); *Mohanna v. Bank of Am., N.A.*, No. 16-cv-1033-HSG, 2017 WL 976015 (N.D. Cal. Mar. 14, 2017) (denying motion for default judgment); *see also HSBC Bank USA N.A. v. Mohanna*, No. A151378, 2020 WL 4745248 (Cal. Ct. App. Aug. 17, 2020) (unpublished).

1 March 15, 2022 to file his opposition brief or statement of non-opposition. Nothing has been
2 filed. Accordingly, the court again dismisses this case without prejudice for failure to prosecute.
3 The pending motion to dismiss is terminated, and the April 14, 2022 hearing on the motion is
4 vacated. The Clerk shall close this case.

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6 **IT IS SO ORDERED.**

7 Dated: March 24, 2022



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United States District Court
Northern District of California